

determining a schedule for performing the actions ... performing the actions ... confirming results of the performed actions ... and ... monitoring the results of the performed actions at Abstract; col. 4, lines 1-25; col. 5, lines 21-55; col. 8, lines 41-55; and col. 10, lines 22-54.

Leung appears directed to a method and apparatus for "monitoring performance of a parallel database" (Abstract) for the purposes of increasing "the precision of monitoring results ... [and] ... to return the best results possible within a defined time limit" (col. 2, lines 25-30). More particularly, Leung describes a monitoring system that "uses dynamic grouping and sequential sampling to monitor parallel databases" (col. 6, lines 2-3) – "collecting data from as many of the monitored nodes as possible" within a specified time limit (col. 5, lines 21-55; and col. 8, lines 41-55) to generate a single performance value for the user (col. 4, lines 54-56).

Thus, Leung is directed solely to monitoring a parallel database – no where does Leung teach or describe "determining actions to be performed" on monitored database objects *or* "automatically determining a schedule" for performing the determined actions *or* "performing the actions" *or* "confirming the perform[ance of] the actions" *or* "monitoring results of the" performed actions as recited in each of independent claims 1, 14 and 27.

As a legal matter, "[f]or a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677 (Fed. Cir. 1988). Further, the "identical invention must be shown in as complete detail as is contained in the patent claim" (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir.), *cert. denied*, 493 U.S. 853 (1989)) and the "elements must be arranged as in the claim under review" (*In re Bond*, 910 F.2d 831, 832 Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990)). *See also* M.P.E.P. 2131.

Because Leung fails to teach (or even suggest) each and every claimed element, the Examiner has failed to make a legitimate anticipatory rejection under section 102.

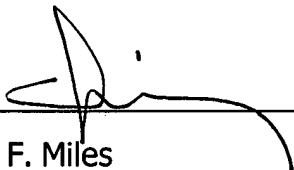
Accordingly, Applicant respectfully requests that this rejection be withdrawn and claims 1, 14 and 27 passed to allowance.

For at least the same reasons, claims 2-13, 15-26 and 28-39 are not anticipated by Leung. As with the independent claims from which they depend (claims 1, 14 and 27 respectively), Applicant respectfully requests that this rejection be withdrawn and claims 2-13, 15-26 and 28-39 passed to allowance.

### Conclusions

Reconsideration of the pending claims 1 through 39 in light of the above remarks is respectfully requested. If, after considering this Reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

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Date

  
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